

CADDELL CONSTRUCTION  
COMPANY, INC.

CONTRACT NO. V101BC0053

**VABCA-6079P**

VA MEDICAL CENTER  
ATLANTA, GEORGIA

*Thomas J. Kelleher, Jr., Esq.*, Smith, Currie & Hancock, LLP, Atlanta, Georgia,  
for the Appellant.

*Charlma J. Quarles, Esq.*, Deputy Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General Counsel, Washington, D.C., for the  
Department of Veterans Affairs.

### **ORDER DISMISSING PETITION**

1. The petition of Caddell Construction Company, Inc., dated September 30, 1999, was received and docketed on October 4, 1999, and assigned docket number VABCA-6079P.

2. Section 6(c)(4) of the *Contract Disputes Act of 1978* (41 U.S.C. § 605(c)(4)) provides that “[a] contractor may request the agency board of contract appeals to direct a contracting officer to issue a decision in a specified period of time, as determined by the board, in the event of undue delay on the part of the contracting officer.”



3. The Contractor indicated that it initially filed its claim in the amount of \$4,040,645 on September 25, 1998, and that the Government stated that “due to the complexity and magnitude of the Claim that the requested contracting officer’s decision could not be provided prior to April 15, 1999.” To date no final decision has been provided and the Government has provided no indication as to when the final decision will be issued.

4. In our ORDER dated October 5, 1999, the Government was granted until October 25, 1999, to issue a final decision in the above-referenced claim or to SHOW CAUSE why it should not be required to do so.

5. On October 27, 1999, Petitioner, Caddell Construction notified the Board that it had engaged in discussions with the Department of Veterans Affairs about “steps that may enable this matter to move forward without the immediate need for a final decision and subsequent litigation.” Petitioner informs the Board that the “parties have committed to a good faith effort to settle this within a realistic timeframe—hopefully less than 90 days from the contractor’s perspective.”

6. Given the foregoing, the Petition is DISMISSED. Should the matter not be resolved as contemplated, the Contractor may petition the Board again or avail itself of any other remedy contemplated by the *Contract Disputes Act*. The parties are also reminded that the Board is available to assist them with Alternate Dispute Resolution (ADR) through the Pre-Dispute program as authorized by VA Directive 7433.3 which may be found on the Board’s Web page at [www.va.gov/bca](http://www.va.gov/bca).

DATE: **November 4, 1999**

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GUY H. MCMICHAEL III  
Chief Administrative Judge